

Amendment and Response

Applicant: Brett M. Webb

Serial No.: 09/825,583

Filed: April 3, 2001

Docket No.: 10003931-1

Title: NETWORK BASED GIFT REMINDER AND PURCHASING SYSTEM AND METHOD**REMARKS**

The following remarks are made in response to the Office Action mailed May 17, 2005. Claims 1-20 were rejected. With this Response, claim 6 has been amended. Claims 1-20 remain pending in the application and are presented for reconsideration and allowance.

Objection to the Specification

In the Office Action, the Abstract was objected to for exceeding the permitted length. Applicant has amended the Abstract to less than 150 words to comply with the length requirement, and respectfully requests withdrawal of the objection.

Claim Rejections under 35 U.S.C. § 112

In the Office Action, claim 6 was objected to for lacking antecedent basis. Applicant has amended claim 6, thereby obviating the rejection. Applicant respectfully requests withdrawal of the rejection.

Claim Rejections under 35 U.S.C. § 103

In the Office Action, claims 1-17 and 19-20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Robertson (U.S. Patent No. 6,609,106) in view of Onyshkevych et al. U.S. Patent Application Publication 2002/0138170 (herein Onyshkevych). In some of those rejections, Song U.S. Patent No. 6,865,546 (herein Song) and/or the anonymous article "BroadVision Enables mykidsbenefit.com to Publish First-Ever Personalized Electronic Magazine," (herein BroadVision) are additionally combined with Robertson and Onyshkevych.

The earliest effective date of the Onyshkevych December 20, 2000, as reflected on the face of Onyshkevych.

Accompanying this Response is a Declaration of Prior Invention under 37 C.F.R. 1.131 to establish conception of the subject matter of the present patent application prior to the effective reference date of December 20, 2000 of Onyshkevych, coupled with due diligence from prior to the effective date to the filing date of the present patent application (i.e., a constructive

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reduction to practice) on April 3, 2001. This Declaration is submitted to further prosecution of the present patent application and should not be construed as acquiescence by Applicant to the outstanding rejection. Accordingly, Applicant respectfully requests consideration of the Declaration of Prior Invention under 37 C.F.R. 1.131.

For these reasons, Applicant submits that Onyshkevych does not qualify as a reference under 35 U.S.C. 103. Accordingly, Applicant respectfully requests that the rejection of claims 1-17 and 19-20 under Section 103 be reconsidered and withdrawn, and that claims 1-17 and 19-20 be allowed.

In the Office Action, claim 18 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Robertson in view of official notice.

Applicant's amended independent claim 18 specifies a method of gift purchasing.

As admitted in the Office Action, Robertson fails to disclose accessing at least one activatable link to a gift merchant web site from the electronic mail reminder.

In addition, Robertson fails to disclose that the gift merchant web site, accessible via the at least one activatable link, is independent of the gift reminder service provider by having no prior established relationship with the gift reminder service provider.

Instead, Robertson discloses a notification that includes a **preferred reseller** for each gift listed in the notification. The preferred reseller is identified by gift registry site 70 via a system in which gift merchants (i.e., SP sites 60) register with the gift registry site 70 in order to be listed as a preferred reseller or alternate reseller. This arrangement, therefore, reflects the preferred reseller having an established relationship with the gift registry site 70 prior to their listing within an email reminder.

Applicant's claimed method is an open process in which any gift merchant web site (that has a gift for sale that is related to the gift idea) can be listed within the reminder without the gift merchant web site having to make prior registration with the gift reminder service provider. The gift reminder service provider in Applicant's method does not control which gift merchant web sites will appear in the reminder because no prior established relationship exists between the gift reminder service provider and the gift merchant web site, thereby defining the gift merchant web site to be independent from the gift reminder service provider.

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The Official Notice asserted in the Office Action does not cure these deficiencies of Robertson.

For these reasons, Robertson with or without Official Notice, fails to teach or suggest Applicant's independent claim 18. Accordingly, Applicant's believe that independent claim 18 is allowable over Robertson.

In light of the above, Applicants respectfully request withdrawal of the rejection of claims 1-20 based on Robertson, Onyshkevych, Song, and/or BroadVision under 35 U.S.C. § 103.

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In view of the above, Applicant respectfully submits that pending claims 1-20 are in form for allowance and are not taught or suggested by the cited references. Therefore, reconsideration and withdrawal of the rejections and allowance of claims 1-20 is respectfully requested.

No fees are required under 37 C.F.R. 1.16(b)(c). However, if such fees are required, the Patent Office is hereby authorized to charge Deposit Account No. 50-0471.

The Examiner is invited to telephone the Applicant's representative at the below-listed telephone numbers to facilitate prosecution of this application.

Respectfully submitted,

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By his attorneys,

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CERTIFICATE UNDER 37 C.F.R. 1.8: The undersigned hereby certifies that this paper or papers, as described herein, are being deposited in the United States Postal Service, as first class mail, in an envelope address to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 17th day of August, 2005.

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